



DISABILITY AND COMMUNICATION ACCESS BOARD

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INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: **DCAB 2011-14: How are accessible patient rooms to be dispersed in medical facilities that do not specialize in treatment of conditions that affect mobility?**

Summary: The 2004 ADAAG requires medical care and long-term care facilities to provide accessible patient or resident sleeping rooms. The ADAAG requires facilities not specializing in treating conditions that affect mobility, to provide accessible rooms for a minimum of 10% of the total number of rooms. However, the guidelines do not clarify if the accessible rooms are required to be dispersed. If they are to be dispersed, what are the parameters for dispersal? Many facilities have the patient rooms located and arranged by medical specialty. (e.g.: obstetrics, children's, geriatrics, etc.)

The 2004 ADAAG published by the U.S. Access Board only contains in its advisory section a recommendation that accessible patient rooms be dispersed within the medical facility. The DOJ explains that, if accessible rooms are not dispersed, a person with a disability may be placed in an accessible room that is not appropriate or is within an area not appropriate for their medical needs.

State and County Facilities subject to HRS §103-50 are enforced by the Department of Justice (DOJ). Projects subject to HRS §103-50 that do not disperse accessible rooms will not be in compliance with the DOJ regulations covering Title II of the ADA.

Ruling: For buildings or facilities subject to HRS §103-50,

ADAAG Section 223 Medical Care and Long-Term Care Facilities

Medical care facilities covered by section 223.2.1 'Facilities Not Specializing in Treating Conditions that Affect Mobility,' shall disperse the required number of accessible patient bedrooms required by section 223.2.1, in a manner that is proportionate by type of medical specialty.

[Rul: 01/03/2011] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.

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